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STATE OF WISCONSIN BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS H. WILLIAMS, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Thomas H. Williams, M.D.
225 Eagle Lake Avenue
Mukwonago, Wisconsin 53149

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Thomas H. Williams, M.D., Respondent herein, date of birth January 18, 1949, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, pursuant to license number 20205, which was granted July 22, 1976.
2. Respondent specializes in family practice.
3. On June 11, 1980, David Gustafson presented at Respondent's office with complaints of dizziness, plugged ears, nausea and difficulty walking. This was the only time the Respondent provided medical care and treatment to Mr. Gustafson in the Respondent's office.
4. Respondent did not obtain or document the patient's medical history or his family's medical history.

5. Respondent did not conduct a physical examination of the patient, other than an examination of the patient's ears. Respondent flushed the patient's right ear canal, but did not document the results. Respondent did not take the patient's blood pressure or other vital signs.

6. Respondent did not conduct any diagnostic tests to determine the cause of the patient's dizziness, nausea or difficulty in walking. Respondent did not order any laboratory work, urinalysis testing or blood work.

7. Respondent prescribed Novafed, a drug which is contraindicated in patients with hypertension, without determining whether the patient had high blood pressure.

8. Respondent did not develop or document a plan for follow-up treatment and did not direct the patient to return to his office for further treatment, even if the patient's symptoms did not subside or become more severe.

9. The patient's condition continued to deteriorate, and the patient developed slurred speech, began to favor his left hand over his right hand (although he was right-handed) and had even more severe difficulty walking. On June 14, 1980, the patient's wife called Respondent's office because the patient had not improved. Respondent was not in the office that day. Respondent's partner, Dr. Wilbur E. Rosenkranz, told the patient's wife to bring the patient to the emergency room at Waukesha Memorial Hospital.

10. The patient was admitted to Waukesha Memorial Hospital on June 14, 1980. His blood pressure on arrival, at 11:00 a.m., was 250/178, and increased to 290/190, at 11:20 a.m., before it began to decrease in response to medication. Despite attempts to stabilize the patient, he died on July 7, 1980. The final pathologic diagnoses included thrombosis of bilateral vertebral arteries with infarction of right cerebellum and thrombosis of right coronary artery. The patient had been treated for hypertension in 1971 and 1972 but was not taking any medication for hypertension when he was treated by the Respondent in 1980.

11. Respondent provided medical care and treatment for Tony Speener on November 12, 1979, and November 27, 1979. These were the only times that the Respondent treated this patient.

12. On November 12, 1979, Tony Speener made an appointment to see the Respondent and presented to Respondent's office that day. Mr. Speener told Respondent that he had fallen down some steps at a construction site where he was working 2 days before, that he had landed on his back but was able to get up and walk away from the fall. Mr. Speener complained of numbness and weakness in both hands and legs and of problems with his balance.

13. Respondent did not obtain or document the patient's medical history.

14. Respondent did not conduct or document an adequate physical examination to determine the cause of the patient's symptoms. The physical examination which he conducted revealed weakness in the right hand, with any weakness or numbness in the other extremities not detected or documented.

15. Respondent ordered cervical spine x-rays for the patient but did not document the results. Respondent did not conduct any other diagnostic tests to rule in or rule out any differential diagnosis, including the diagnosis of soft tissue swelling, which is the problem which the Respondent attempted to treat by prescribing Decadron.

16. Respondent did not develop a plan for follow-up treatment of the patient and did not document whether he directed the patient to return to his office for further treatment. Respondent did not place any physical restrictions on the patient when the patient left Respondent's office to have the cervical spine x-rays taken and did not direct the patient to return to Respondent's office after having the x-rays taken.

17. Respondent did not refer the patient to a neurologist on November 12, 1979.

18. After having the cervical spine x-rays taken at Waukesha Memorial Hospital, the patient had a telephone conversation with the Respondent in which the Respondent told the patient that the x-ray results were negative. Respondent then issued a prescription for Decadron for the patient.

19. On November 27, 1979, the patient returned to Respondent's office, complaining that his condition had deteriorated.

20. Respondent's complete office notes of the visit on November 27, 1979, state as follows:

"No improvement from above symptoms. Medscreen basic and hemogram. Sed. rate to hospital. Objective - as above. Assessment - etiology unknown. Plan - outpatient work-up. SMA-12, CBC and sed. rate. Refer to neurologist. Send report. Appointment to see Dr. Hanson, December 10, 10:45 a.m."

21. Respondent did a cursory physical examination of the patient on November 27, 1979, and noted that the patient had developed ataxia and had developed weakness in the right arm. Respondent was still unable to determine what was causing the patient's symptoms, however, and referred the patient to a neurologist. The earliest appointment available with the neurologist, Dr. James C. Hanson, was December 10, 1979. Respondent made no attempt to get an earlier appointment for the patient on an emergency basis.

22. The patient went to see Dr. Hanson on December 10, 1979. Dr. Hanson conducted a neurological examination of the patient and documented in his office record that the patient possibly had a cervical disc problem at the C5 level and would be admitted to the hospital for diagnostic evaluation.

23. The patient was admitted to Waukesha Memorial Hospital by Dr. Hanson on December 16, 1979. Dr. Hanson's partner, Dr. Lavern H. Herman, performed a cervical hemilaminectomy on the patient on December 21, 1979. The patient's final diagnosis when he was discharged from the hospital was as follows: "Cervical spondylosis with cervical myelopathy."

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.
2. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent's acts and omissions, as set forth in the Findings of Fact, constitute a violation of sec. 448.02(3), Wis. Stats., and sec. MED 10.02(2)(h), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order, that Thomas H. Williams' license to practice medicine and surgery in the State of Wisconsin is hereby limited to the extent that he shall comply with the following terms, conditions and requirements:

1. No later than six months after the effective date of this Order, Dr. Williams shall take and successfully complete a continuing medical education course in neuroanatomy and neurophysiology with the course objectives, learning activities, evaluation plan and budget outlined in the course summary attached to this Order. This course was specifically developed by the University of Wisconsin Medical School Continuing Medical Education Department, after a review of this case, to address the educational needs of Dr. Williams as demonstrated by his care and treatment of the two patients in the case. Dr. Williams shall complete this course in addition to Dr. Williams' required continuing medical education credits under sec. 448.13, Wis. Stats. Dr. Williams is responsible to pay for all costs associated with the course, as outlined in the course summary attached to this Order.
2. Dr. Williams shall be evaluated upon his achievement of the objectives of the course under paragraph 1 by the University of Wisconsin Continuing Medical Education Department according to the evaluation plan outlined in the course summary attached to this Order. Certification of successful completion of the course, including results of the evaluation of Dr. Williams' achievement of the course objectives, shall be submitted to the Medical Examining Board by the evaluators as soon as possible after Dr. Williams completes the course.
3. During the time period when Dr. Williams is taking the course of instruction under paragraph 1, Dr. Williams and the Director of the Continuing Medical Education Department at the University of Wisconsin School of Medicine shall establish limitations, as necessary, on the number of patients Dr. Williams treats in order to ensure that he is able to devote sufficient time to meet the objectives of the course and to ensure that he is able to devote sufficient time to each patient that he treats.

4. If Dr. Williams does not successfully complete the course of instruction under paragraph 1 or does not successfully achieve the objectives of the course, the Medical Examining Board may impose additional retraining requirements on Dr. Williams regarding the same areas of study.

5. If Dr. Williams has not already done so, Dr. Williams shall adopt office procedures to insure that every patient has his or her medical history taken and has a physical examination which is appropriate in the light of the presenting symptoms. Dr. Williams shall complete and maintain accurate medical records on all patients under his care consistent with a problem oriented record approach (SOAP) or some other equivalent approach which meets the approval of the Medical Examining Board and which is in conformity with accepted medical practice.

6. Dr. Williams shall allow a physician selected by the University of Wisconsin Medical School Continuing Medical Education Department, in cooperation with the Medical College of Wisconsin, and approved by the Medical Examining Board to review his practice for a period of one year. The period of review shall commence no later than 60 days after Dr. Williams has successfully completed the course under paragraph 1 or has successfully completed any additional retraining requirements imposed under paragraph 4. The review of Dr. Williams' practice shall be conducted according to the following terms and conditions:

a. Dr. Williams shall make available to the reviewing physician all of his office and hospital medical records for any person who is a patient of Dr. Williams on or after the effective date of this Order.

b. Once every three months, the reviewing physician shall review any selection of the medical records made available under subparagraph a. The reviewing physician shall determine whether Dr. Williams is complying with the requirements of paragraph 5, relating to taking each patient's medical history, conducting adequate physical examinations on all patients and maintaining complete and adequate medical records on all patients. The reviewing physician shall also analyze the adequacy and appropriateness of Dr. Williams' diagnoses and of the treatment regimens employed by Dr. Williams.

c. The reviewing physician shall discuss his findings with Dr. Williams at or after each review session and shall make any recommendations which the reviewing physician believes would help Dr. Williams to improve his practice of medicine and surgery. Dr. Williams shall cooperate fully with the reviewing physician in all aspects of the review of Dr. Williams' practice and with respect to following all reasonable, substantive recommendations of the reviewing physician.

d. The reviewing physician shall promptly submit detailed written reports to the Medical Examining Board regarding his review of Dr. Williams' practice after each quarterly review, with copies sent to Dr. Williams and his attorney, James R. Gutglass.

e. If the reviewing physician withdraws or is otherwise unable to continue the periodic review of Dr. Williams' practice, then the Continuing Medical Education Department of the University of Wisconsin Medical School shall select another physician to act as the reviewing physician for Dr. Williams, subject to approval by the Medical Examining Board.

f. If the reviewing physician finds what the reviewing physician believes to be minor deficiencies in Dr. Williams' practice, including but not limited to a failure to maintain complete and accurate medical records, the reviewing physician shall note the minor deficiencies in the report the reviewing physician submits to the Medical Examining Board under paragraph d. If the Board agrees that the deficiency is minor, then the Board shall instruct the reviewing physician to make recommendations to Dr. Williams regarding the methods to rectify this deficiency. Dr. Williams shall follow all reasonable, substantive recommendations of the reviewing physician regarding corrections of minor deficiencies in his practice. Minor deficiencies in Dr. Williams' practice shall not constitute a violation of this Order, but any refusal by Dr. Williams to follow any reasonable, substantive recommendation of the reviewing physician to correct minor deficiencies shall constitute a violation of this Order.

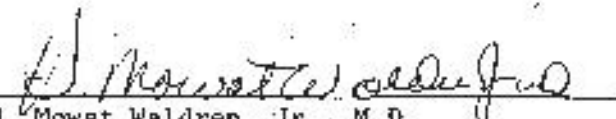
g. If the reviewing physician finds what the reviewing physician believes to be significant, substantive deficiencies in Dr. Williams' practice, the reviewing physician shall immediately report this to the Medical Examining Board. If the Medical Examining Board agrees that the deficiency is significant and substantive, then the Medical Examining Board shall conduct further investigation of the reported deficiency and may conduct further disciplinary proceedings against Dr. Williams' license based on that investigation. If further disciplinary proceedings are commenced, Dr. Williams shall have his full legal rights to defend himself against the allegations.

h. Dr. Williams is responsible to pay the reasonable expenses incurred by the reviewing physician under this paragraph, including the charges for professional time required, as outlined in the course summary attached to this Order.

7. If Dr. Williams supplies the Board with satisfactory evidence that he has complied with all the terms, conditions and requirements of paragraphs 1-6, and if the reviewing physician has found no significant, substantive deficiencies in Dr. Williams' practice at the end of the 1-year period of review, which the Medical Examining Board determine require further investigation, then the Medical Examining Board shall restore Dr. Williams' unlimited license to practice medicine and surgery, no later than thirty days after Dr. Williams petitions the Board by letter to take such action.

IT IS FURTHER ORDERED, that partial costs of the proceeding, in the amount of \$600, are assessed against Dr. Williams pursuant to Section 440.22(2), Wis. State. Dr. Williams shall pay this amount to the Department of Regulation and Licensing no later than 30 days after the effective date of this Order.

Dated this 30th of April, 1989.


H. Mowat Waldren, Jr., M.D.
Secretary
Medical Examining Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS H. WILLIAMS, M.D.,
RESPONDENT.

STIPULATION

It is hereby stipulated between Thomas H. Williams, M.D., personally and by his attorney, James R. Gutglass; and Judith Mills Ohm, attorney for the Complainant, Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Thomas H. Williams, M.D., Respondent herein, date of birth January 18, 1949, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, pursuant to license number 20205, which was granted July 22, 1976. Respondent's last address reported to the Department of Regulation and Licensing is 225 Eagle Lake Avenue, Mukwonago, Wisconsin 53149.
2. Respondent specializes in family practice.
3. A Complaint consisting of two counts was filed against Thomas H. Williams, M.D., Respondent herein, on July 8, 1988, and duly served upon Respondent on that date. The Complaint contained allegations of improper treatment of 2 patients in 1979 and 1980.
4. Respondent has read the Complaint and understands the nature of the allegations against him.
5. Respondent is aware of and understands each of his rights, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify in his own behalf; the right to file objections to any proposed decisions and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for a rehearing; the right to appeal a final decision to the Wisconsin court system; and all other rights afforded him under the United States Constitution, the Wisconsin Constitution and the Wisconsin Statutes and the Wisconsin Administrative Code.

6. Respondent freely, voluntarily, and knowingly waives each and every one of the rights set forth in paragraph 5 above, in consideration of the agreements set forth in this Stipulation and the attached Final Decision and Order.

7. If the Medical Examining Board adopts this Stipulation and enters the attached Final Decision and Order, then Respondent hereby withdraws his Answer to the Complaint in this matter. Respondent neither admits nor denies the allegations of the Complaint, but chooses not to contest those allegations. For the purposes of this Stipulation, Respondent agrees that the Wisconsin Medical Examining Board may enter the attached Final Decision and Order without prior notice to any party.

8. If any portion of this Stipulation or attached Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, then the entire Stipulation and attached Final Decision and Order is void and has no effect and has no evidentiary value in any subsequent disciplinary proceedings in this matter. Respondent agrees that if the Board rejects this Stipulation and if this disciplinary action proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and attached Final Decision and Order or of any records relating thereto.

9. The attorneys for the parties may appear before the Medical Examining Board and argue in favor of acceptance of this Stipulation.


10. This Stipulation may be submitted directly to the Medical Examining Board and need not be submitted to Ruby Jefferson-Moore, the Hearing Examiner appointed in this matter.

11. This agreement in no way prejudices the Medical Examining Board or the Respondent in any further action against the Respondent based on any acts not alleged in the present Complaint which may be violative of the Wisconsin Medical Examining Board statutes and rules.

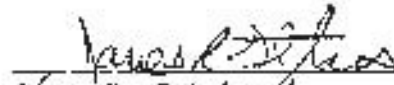
12. If this Stipulation is adopted by the Medical Examining Board, the attached Final Decision and Order shall become effective immediately upon the issuance of the signed Order by the Medical Examining Board.

13. Violation of any of the requirements, conditions or limitations specified in the Order constitutes an independent basis for disciplinary action against the Respondent by the Medical Examining Board. Respondent shall have his full legal rights to defend himself against any alleged violation of the Order.

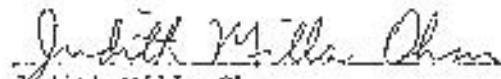
Dated this 13th day of March, 1989.


Thomas H. Williams, M.D., Respondent

Dated this 17th day of March, 1989.


James R. Gutglass
Attorney for Respondent

Dated this 1st day of March, 1989.


Judith Mills Oben
Attorney for Complainant
Department of Regulation and Licensing
Division of Enforcement

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